

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
ETC Annual Reports and Certifications)	WC Docket No. 14-58
)	
Rural Broadband Experiments)	WC Docket No. 14-259

To: The Commission

**STATEMENT IN SUPPORT
OF THE
JOINT PETITION FOR RECONSIDERATION
OF THE
NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION
AND
UNITED TECHNOLOGY COUNCIL**

Illinois Electric Cooperative (“IEC”) submits this Statement in Support of the Joint Petition for Reconsideration submitted by the National Rural Electric Cooperative Association (“NRECA”) and United Technology Council (“UTC”) that seeks reconsideration of the decision in the Report and Order and Further Notice of Proposed Rulemaking adopted on May 25, 2016 (“May 2016 CAF Order”),¹ to exclude census blocks in non-winning Category 1 bid rural broadband experiment applications in which (i) a price cap carrier serves with speeds of at least 10/1 Mbps or (ii) an unsubsidized competitor provides service, based on recent Form 477 data.²

INTRODUCTION

IEC is an Illinois rural electric cooperative serving customers throughout Morgan, Pike, Scott, Greene, and Calhoun Counties, and on the adjacent edges of Adams, Brown, Cass, Jersey,

¹ *Connect America Fund et al.*, WC Docket No. 10-90 et al, Report and Order and Further Notice of Proposed Rulemaking, FCC 16-64, rel. May 27, 2016.

² *Id.* at paras. 70 and 72, n. 144.

and Macoupin Counties. IEC supplies electricity and provides internet service to approximately 14,000 accounts. In addition, IEC provides fixed wireless service to about 4,000 consumers, limited customer fiber optic service, and fiber optic internet service to the Winchester, Illinois school system.

DISCUSSION

As pointed out by NRECA and UTC, upon adopting its Report and Order on December 11, 2014 in *In re Connect America Fund*, 29 FCC Rcd 15644 (2014) (“December 2014 CAF Order”), the Federal Communications Commission (“FCC”) ruled clearly and unequivocally regarding the interplay between the Rural Broadband Experiments and the Phase II CAF auction:

We conclude that excluding from the offer of model-based support any census block included in a non-winning rural broadband experiment application submitted in funding category one will ensure the more efficient use of Connect America support.³

The reversal of this ruling with neither notice nor opportunity for comment violates both the letter and spirit of Section 553 of the Administrative Procedure Act.⁴ Participants in the docket relied on the FCC’s statements, believing the agency meant what it said when it ruled that all census blocks in non-winning Category 1 applications would be included in the CAF II auction.

The May 2016 CAF Order excludes census blocks from non-winning Category 1 applications from the Phase II auction in which the price cap carrier offers 10/1 Mbps, even though the Baseline Performance Tier adopted in the Report and Order is 25/3 Mbps. As suggested by NRECA and UTC, this ruling effectively extends the digital divide – the closure of which is a main reason electric cooperatives like IEC are proposing to build and maintain broadband networks.

³ December 2014 CAF Order at para 84.

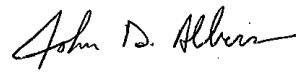
⁴ 5. U.S.C. §553 (2012).

CONCLUSION

IEC respectfully urges the FCC to grant the relief sought by NRECA and UTC in its Joint Petition for Reconsideration, dated July 21, 2016 and published in the Federal Register on August 18, 2016.

Respectfully submitted,

Illinois Electric Cooperative

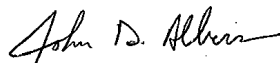
By: 
One of its Attorneys

John D. Albers
Shay Phillips, Ltd.
456 Fulton Street, Suite 255
Peoria, Illinois 61602
309-494-6155
jalbers@shay-law.com

Dated: August 26, 2016

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he has caused the Illinois Electric Cooperative's "Statement in Support of the Joint Petition for Reconsideration of the National Rural Electric Cooperative Association and United Technology Council" in WC Docket No. 10-90 to be served on the petitioners via e-mail in accordance with 47 CFR 1.47 and 47 CFR 1.429 on August 26, 2016.



John D. Albers

Attorney for the Illinois Electric Cooperative